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DOCUMENTS RELATING TO PUBLIC AFFAIRS,

CHARGE OF THE HON. JUSTICE FLETCHER,
TO THE GRAND JURY OF THE COUNTY
OF WEXFORD, AT THE SUMMER ASSIZES,
1814.

Gentlemen of the Grand Jury,

IT is with sincere pleasure I congratulate you, upon the appearance of the state of your county, I say appearance, because I have no means whatever of knowing any thing upon the subject, except from the calendar now before me. In that calendar I find very few numbers indeed. Two, or three, or four crimes, of general occurrence in the country: one homicide, which appears to have been committed, certainly with circumstances of atrocity: but as far as I can collect from the examinations, originating in private malice and individual revenge; and not connected with any of those disturbances, of which we have heard so much, in different parts of the kingdom.

Gentlemen—it is matter of great congratulation, that, after a period of thirty years, (at the commencement of which I first knew the county of Wexford,) I have reason to say, it is precisely in the situation in which it was then, except as to an increase of wealth and population, and an improvement in agriculture, which has ameliorated its condition and multiplied its resources. The county of Wexford was then a moral curiosity. When other parts of the country were lawless and disturbed, this county had a peasantry, industrious in their habits, social in the

disposition, satisfied with their state, and amenable to the laws, cultivating their farms, with an assiduity, which insured a competency. Their conduct was peaceful, their apparel whole, their morals improved, their lives spent in the frequent interchange of mutual good offices. It was a state of things which I reflect upon with pleasure. Each succeeding circuit shewed me wild heaths and uncultivated tracts, brought under the dominion of the plough, and producing corn for the sustenance of man. As it was then, so it continued for many years; until those unhappy disturbances, which burst out in this county with such a sudden and unexpected explosion. I knew what the state of things was then, and how that explosion was produced; professionally I knew it; because I enjoyed peculiar advantages of knowledge, which other men did not enjoy. For several years I conducted the prosecutions for the crown at Wexford; and hence I derived an intimate knowledge of those transactions. Besides, I was connected with no party; I was indifferent about party. But here I stop, I willingly draw a veil over the events of those days, and their causes. God forbid! that I should tear asunder wounds, which, I hope, are completely and for ever closed.

I have now been absent from this county twelve years, with the exception of one Assizes, when I came here in the King's Commission, but upon that occasion I did not sit as I now do in the Crown Court. I can say, however, with the

greatest truth, that at no period from my earliest acquaintance with your county, down to the present time, do I remember to have seen it in more profound tranquillity, more perfect peace, more complete security than at present, a state of things indicating a due administration of the laws by Magistrates, neither over zealous and too active on the one hand, nor too negligent and supine on the other.

Such, I do hope, is the true and actual state of your county; for, Gentlemen, I have, I repeat it, no means of knowing the fact, except from the quantity of alleged crime, the number of persons charged, and the nature of those charges as are set out in this calendar. But, why, Gentlemen, have I entered into this detail? I answer, for these weighty and cogent reasons, because much exaggeration and misrepresentation have gone abroad; and the extent and causes of disturbances have been much mistated. In what I now say, or shall say, I do not impute any thing to any individual of this county; I will not meddle with its internal politics; but this I know, that its situation has been variously represented. Several advertisements in newspapers now before me, [The Wexford Journals of last March and April] describe this country as being in a most alarming state of disturbance. Other advertisements affirm on the other hand, that the county has never enjoyed more profound tranquillity. These advertisements have been, I understand, republished in the prints of Dublin and London; and have naturally excited strong sensations. It is not for me to inquire into the motive of those opposite statements; I know them not. It is not my intention, it is not my duty, to impute any particular motives to any individuals; but it is within the sphere of my public duty to state, for your instruction, what I have observed as the origin and grounds of similar reports and misrepresentations in other counties, whither the discharge of my public duty has called me; and where I have had judicial knowledge of what had passed. It may be not uninteresting to state, what appeared to me to be the causes of those disturbances, which have occasioned those misrepresentations and exaggerations, together with the reasons which have impelled the legislature to swell the Criminal Code, session after session, with new statutes for vindicating the peace of this country.

In my circuits through other parts of

the kingdom, I have seen the lower orders of the people disturbed by many causes, not peculiar to any particular counties, operating with more effect in some, but to a greater or less extent in all. I have seen them operating with extended effect in the North-West Circuit, in the counties of Mayo, Donegal, Derry, Roscommon, &c. These effects have made a deep impression on my mind. My observations, certainly, have been those of an individual, but of an individual seeing the same facts coming before him, judicially, time after time, and I do now publicly state, that never, during the entire period of my judicial experience (comprising sixteen circuits), have I discovered or observed any serious purpose, or settled scheme, of assailing his Majesty's Government, or any conspiracy connected with internal rebels, or foreign foes. But various, deep-rooted, and neglected causes, producing similar effects throughout this country, have conspired to create the evils, which really and truly do exist.

First, The extraordinary rise of Land, occasioned by the great and increasing demand for the necessities of life; and by producing large profits to the possessors of farms, excited a proportionate avidity for acquiring or renting lands. Hence extravagant rents have been bid for land, without any great consideration; and I have seen these two circumstances operating upon each other, like cause and effect, the cause producing the effect; and the effect, by re-action, producing the cause.

Next, we all know, that the country has been deluged by an enormous paper currency, which has generated a new crime, now prominent upon the list in every Calendar, the crime of making and uttering forged Bank Notes. In every province we have seen private banks failing and ruining multitudes; and thus have fresh mischiefs flowed from this paper circulation. In the next place, the country has seen a magistracy, over active in some instances, and quite supine in others. This circumstance has materially affected the administration of the laws in Ireland. In this respect I have found that those societies, called Orange Societies, have produced most mischievous effects; and particularly in the North of Ireland. They poison the very fountains of justice; and even some magistrates under their influence, have, in too many instances, violated their duty and their oaths. I do not hesitate to say, that ALL Associations, of every

description in this country, whether of Orangemen or Ribbonmen, whether distinguished by the colour of Orange or of Green, all combinations of persons, bound to each other by the obligation of an oath, in a league for a common purpose, endangering the peace of the country, I pronounce them to be contrary to law. And should it ever come before me to decide upon the question, I shall not hesitate to send up bills of indictment to a Grand Jury against the individuals, members of such an Association, wherever I can find the charge properly sustained. Of this I am certain, that so long as those Associations are permitted to act in the lawless manner they do, there will be no tranquillity in this country; and particularly in the North of Ireland. There those disturbers of the public peace, who assume the name of *Orange Yeomen, frequent the fairs and markets, with arms in their hands under the pretence of self-defence, or of protecting the public peace, but with the lurking view of inviting the attacks from the Ribbonmen, confident that, armed as they are, they must overcome defenceless opponents, and put them down.* Murders have been repeatedly perpetrated upon such occasions; and though legal prosecutions have ensued, yet, such have been the baneful consequences of those factious Associations, that under their influence, Petty Juries have declined (upon some occasions) to do their duty. These facts have fallen under my own view. It was sufficient to say; such a man displayed such a colour, to produce an utter disbelief of his testimony; or when another has stood with his hand at the bar, the display of his party badge has mitigated the murder into manslaughter.

Gentlemen, I do repeat, that these are my sentiments not merely as an individual, but as a man discharging his judicial duty, I hope with firmness and integrity. With these Orange Associations, I connect all commemorations and processions, producing embittering recollections, and inflicting wounds upon the feelings of others; and I do emphatically state it as my settled opinion, that until those Associations are effectually put down, and the arms taken from their hands, in vain will the North of Ireland expect tranquillity or peace.

Gentlemen, that moderate pittance, which the high rents leave to the poor peasantry, the large county assessments nearly take from them; roads are frequently planned and made, not for the general advantage of the country, but to suit the

particular views of a neighbouring landholder, at the public expense. Such abuses shake the very foundation of the law, they ought to be checked. Superadded to these mischiefs, are the permanent and occasional absentee landlords, residing in another country, not known to their tenantry, but by their agents, who exact the uttermost penny of the holder of the lands. If a lease happen to fall in, they set the farm by public auction to the highest bidder. No gratitude for past services, no preference for the fair offer, no predilection for the ancient tenantry, be they ever so deserving, but, if the highest price be not acceded to, the depopulation of an entire tract of country ensues. What then is the wretched peasant to do? Chased from the spot, where he had first drawn his breath; where he had first seen the light of Heaven, incapable of procuring any other means of existence; vexed with those exactions I have enumerated, and harassed by the payment of Tithes, can we be surprised that a peasant of unenlightened mind, of uneducated habits, should rush upon the perpetration of crimes, followed by the punishment of the rope and of the gibbet? Nothing (as the peasantry imagine) remains for them, thus harassed, and thus destitute, but with strong hand to deter the stranger from intruding upon their farms; and to extort from the weakness and terrors of their landlords (from whose gratitude or good feelings they have failed to win it,) a kind of preference for their ancient tenantry.

Such, Gentlemen, have been the causes, which I have seen thus operating in the North of Ireland, and in part of the South and West. I have observed too, as the consequences of those Orange Combinations and Confederacies, men, ferocious in their habits, uneducated, not knowing what remedy to resort to, in their despair, flying in the face of the law, entering into dangerous and criminal counter-associations, and endeavouring to procure arms, in order to meet, upon equal terms, their Orange assailants.

To these several causes of disturbance, we may add certain moral causes. There has existed an ancient connexion, salutary in its nature, between the Catholic Pastor and his flock. This connexion, has been often, with very little reflection, inveighed against, by those who call themselves friends to the Constitution in Church and State. I have had judicial opportunities

of knowing, that this connexion between the Catholic Pastor and his flock, has been, in some instances, weakened, and nearly destroyed; the flock, goaded by their wants, and flying in the face of the Pastor, with a lamentable abandonment of all religious feeling, and a dereliction of regard to that pastoral superintendence, which is so essential to the tranquillity of the country. For, if men have no prospect here, but of a continued series of want, and labour, and privation; and if the hopes and fears of a future state are withdrawn from them by an utter separation from their own Pastor, what must be the state of society? The ties of religion and morality being thus loosened, a frightful state of things has ensued; perjury has abounded; the sanctity of oaths have ceased to be binding, save where they administer to the passions of parties. The oaths of the Orange Associations or of the Ribbonmen, have, indeed, continued to be obligatory. As for oaths administered in a Court of Justice, they have been set at naught.

Gentlemen, another deep-rooted cause of immorality has been the operation of the County Presentment Code of Ireland, abused, as it has been, for the purposes of fraud and peculation, will you not be astonished, when I assure you, that I have had information judicially, from an upright country gentleman and Grand Juror of unquestionable veracity in a Western county, that in the general practice, not one in ten of the Accounting Affidavits was actually sworn at all? Magistrates have signed, and given away printed forms of such Affidavits *in blank*, to be filled up at the pleasure of the party. This abuse produced a strong representation from me to the Grand Jury; and had I known the fact in time, I would have made an example of those magistrates who were guilty of so scandalous a dereliction of duty. Another source of immorality may be traced in the registry of freeholds. Oaths of registration are taken, which, if not perjury, are something very near it. The tenantry are driven to the hustings, and there collected like sheep in a pen, they must poll for the great Undertaker, who has purchased them by his jobs; and this is frequently done with little regard to conscience or duty, or to the real value of the alleged freehold.

Another source of immorality lay in the hasty mode of pronouncing Decrees upon Civil Bills, which was common before As-

sistant Barristers were nominated for the several counties. All these concurring causes, however, created such a contempt for oaths, that I have often lamented it to be my painful lot to preside in a Court of Justice, and to be obliged to listen to such abominable profanation.

I now come to another source of vice and mischief, with which you are, perhaps, unacquainted—Ilicit Distillation. From this source, a dreadful torrent of evils and crimes has flowed upon our land. The excessive increase of rents had induced many persons to bid rents for their farms, which they knew they could not fairly or properly discharge; but they flattered themselves, that, in the course of a few years, the value of those farms would rise still higher, and that thus they might ultimately acquire beneficial interests. In the mean time they had recourse to illicit distillation, as the means of making good their rents. Hence the public revenue has been defrauded to the amount of millions. Nay, it is a fact, that at one period not far back, there was not a single licensed distillery in an entire province, namely the North-West Circuit, where the consumption of spirituous liquors is, perhaps, called for by the coldness and humidity of the climate. The old powers of the law having proved unavailing, the legislature was compelled to enact new laws, which, though clashing with the very first principles of evidence under our happy constitution, were yet called for by the exigency of the times; laws which qualify a prosecutor to be as a witness in his *own* cause. If he feared not the consequences of perjury, he gained the suit, and put the money into his pocket. Hence a kind of bounty was necessarily tendered to false swearing; and we all know, the revenue folk, are not very remarkable for a scrupulous feeling in such cases. These oaths were answered again by the oaths of the parties charged, who in order to avoid the fine, denied the existence of any still upon their lands. Thus have I witnessed trials, where, in my judgment, the revenue officer, who came to impose the fine, was perjured; the witness who came to avert it, perjured, and the petty jury, who tried the cause, perjured, for they declined to do their duty, because they were, or might be interested in the event; or because the easy procurement of those illicit spirits produced an increased consumption of grain for their benefit. The resident gentry of the

country, generally, winked with both their eyes at this practice, and why? Because it brought home to the doors of their tenantry a market for their corn; and consequently increased the rents of their lands; besides they were themselves consumers of those liquors, and in every town and village there was an unlicensed house for retailing them. This consumption of spirits produced such pernicious effects, that at length the executive powers, deemed it high time to put an end to the system. The consequence was, that the people, rendered ferocious by the use of those liquors, and accustomed to lawless habits, resorted to force, resisted the laws, opposed the military, and hence have resulted riots, assaults, and murders.

Can you wonder, that, in such an immoral state of things, all tranquillity and obedience to the law were banished from those counties? Absentees, too, have increased: disgusted with the state of things, they desert their posts in the time of peril; but, yet should a farm happen to fall out of lease, keeping strict eye that it be set up to the highest bidder. These things have produced disturbances every where; but, Gentlemen, whether they apply to your county, to any extent, or at all, is for your consideration.

I have thought it right, from the false colouring that has been given to those things, to remove all such illusions, and to state the plain facts.

Gentlemen, I have heretofore, with good success, called upon the Grand Jury of a great Northern county (Donegal) where private distillation had reached to an intolerable excess, to show some sense of their own interests by the suppression of that practice; and I am happy to say, that call was attended to, and produced useful public resolutions. I am glad to hear that this mischief is a stranger in your county, guard against its introduction, it is one of the greatest practical mischiefs; the revenue is plundered by it, the morals of the people depraved, and their conduct rendered riotous and savage; establish, in the room of whiskey, a wholesome malt liquor, and you will keep your peasantry in peace, in health, and in vigour.

Having thus given you a sort of sketch of what I have seen upon other circuits, I shall advert to what I have observed upon the present circuit. The first county of this circuit, which was the object of his Majesty's commission, was Kilkenny. The country had been previously alarmed

with such rumours and stories from that quarter, that the order of this circuit was inverted, for the express purpose, as was alleged, of meeting the supposed exigencies of that county by an early Assizes. I did not preside in the Criminal Court there; but I have been informed by my brother Judge (Day) of what passed. Four capital convictions took place: of which the subject matter arose from two transactions only. One of those transactions, comprising two of those convictions, was of no recent date, it occurred early in 1813; and had been already tried at the summer Assizes of Kilkenny, in that year. At that Assizes the two criminals had been found guilty of an attempt at assassination, a most atrocious outrage indeed. Their execution was suspended by an argument upon the legality of their conviction, the conviction was proved illegal; and of course they were, for the second time, tried and convicted at the late Assizes. But, how such a case could warrant the extraordinary colouring which was given to the alleged disturbances of that county, or called for any parade or bustle, I am wholly at a loss to discover. The other of those transactions was, also, of a flagitious nature, it was a heinous burglary, committed by the two other criminals, in the house of Mr. Sutton. They were convicted and have suffered the punishment due to their crime. But was this a case for exciting public alarm, or spreading national inquietude, or for causing the ordinary course of the circuit to be inverted, and leading every person to apprehend machinations and conspiracies of the most deep and desperate kind? From Kilkenny the commission proceeded to Clonmel. There I presided in the Crown Court, the calendar presented a sad list of crimes, one hundred and twenty names appeared upon the face of the Crown Book. There were several government prosecutions, conducted by able gentlemen of the bar, and by the Crown Solicitor, at the appointment, and by the direction of the government, who had been alarmed for the peace of the country. Yet, notwithstanding all this formidable array of crime, and this multitude of prisoners, I had the good fortune to discharge the gaol of that county in two days and a half. Two persons only were capitally convicted at that Assizes. One of them was neither the subject of a public prosecution, nor of a private one. It was a case upon Lord Ellenborough's Act, for assaulting with

weapons (in that case with a pitch-fork) with an intention to kill, maim, or disfigure. The unfortunate man had been out upon bail; and, supposing he that had made his peace with his prosecutor, had surrendered himself not apprehending any prosecution. The bail had forfeited their recognizance at the Assizes preceding, and I mention this fact, lest it might be imagined that the conductors of the Crown prosecutions had slumbered on their post, or had been remiss in their duty. I do believe they knew nothing of the prosecutor's intention to appear. The prisoner was compelled to come in, by the magistrate who had bailed him, and who had been at the preceding Assizes, fined £100 for thus bailing a person, charged with a capital felony. The prisoner had the benefit of able counsel, his trial was not hurried on, a jury of his country, under the superintendence of a Judge, (I hope not devoid of humanity) found him guilty. But, let me ask what had all this to do with public disturbances? A people, ferocious in their habits, and violent in their animosities, when intoxicated with whiskey, formed into factions amongst themselves, classed by barbarous appellations, may bruise each other with sticks, or even slay each other with mortal weapons, but I would ask any man, what connexion could the conviction of that criminal, (under Lord Ellenborough's Act) have with associations against law, order, and the government?

There was a second conviction at Clonmel, in a case of a rape and forcible abduction. The prosecutrix was the principal witness, in support of that conviction: but the credit due to her testimony has been so materially affected by facts, since disclosed, that I thought it my duty to name a distant day for the execution of the sentence, in order to afford time for the respectable gentlemen, who have interferred on behalf of the prisoner, to bring his case fairly and satisfactorily under the consideration of his Majesty's government.

But, although those two convictions involved gross violations of the laws, yet what was there of political disturbance, or of factious contrivance, in either case? I could not see any thing of the kind.

Next, the commission proceeded to Waterford, which was represented to us as being in a most disturbed state. But, in no one part of the county did it appear, that there was that frequency of crime, from which any systematic hostility to the

constituted authorities could be inferred. There was one conviction for an abominable conspiracy to poison; but the actuating motive appeared to be, not of a public nature, but mere individual interest. It was the case of a miscreant from the county of Cork, hired and sent for the particular purpose of getting rid of an aged man, whose life, was the surviving life in an old lease, and which lease the vile contriver was materially interested in extinguishing. This was the real history of this crime.

Another conviction was for the murder of Mr. Smyth, in the month of October last. I must observe that this gentleman was a Roman Catholic. What the cause of this murder may have been, is at present only matter of private surmise. But no person, has even whispered, that it proceeded from political or party feelings of any kind. There was a third capital conviction at Waterford. It was that of two men, for burglary in a dwelling house. This was the only transaction that was, in its nature, of a public description. It appeared in evidence, that a body of armed men planned and executed an attack upon the house; but the only discoverable motive was, that "the owner had been previously an inhabitant of the county of Cork, and had ventured to take the farm in question." Here, indeed, we see those public outrages proceeding to a degree mischievous in the extreme, and deeply to be lamented. Those unfortunate wretches will imagine, that, because a stranger to the county has the audacity to interfere between them and their landlord, they are to violate the laws, assemble in arms, and make an example of the intruder, who shall settle in this country. These are terrible delusions, pregnant with violence, bloodshed and anarchy. The peasantry cannot too soon reject and abhor them as ruinous and absurd. Gentlemen, I do not allude to your county. I hope the system of setting lands by auction, of squeezing from the vitals of the tenantry more than the actual value of the produce of the land, does not exist in this county. I hope and believe no such system prevails here, because like causes produce like effects; and, in that case, the calendar now before me would have exhibited a very different picture. At present, its contents amount to one charge of murder, one of rape, and one against a woman, for the supposed murder of a bastard child. These are crimes of a high and serious nature; yet

of ordinary occurrence in every county. But I can descry no trace of any system of general disaffection, or of political mischief. I, therefore, am utterly at a loss to account for those alarming assertions, circulated throughout the empire by those advertisements in the *Wexford Journals* of March and April last, importing to be resolutions, declaring the county in a state of disturbance; whilst, on the contrary side, we have the advertisements of respectable magistrates, affirming that there was no colour for those alarming assertions, and that the county was in a state of profound tranquillity. This subject affords matter of serious reflection indeed.

Gentlemen, these facts peculiar to your county, have induced me to travel at length into this subject, in order to guard you against being affected by similar alarms, originating in other counties. I hope, that by your steady conduct in your own county, you will prevent the maligners of this country from asserting, any where, that the Almighty has poured the full phials of his wrath upon this land, so favoured by Nature with her richest gifts: or that He has cursed it, by implanting in it a race of men of so vicious and depraved a nature, as is not elsewhere to be found. Gentlemen, I say, it is incumbent upon you to vindicate the state of your county, you have ample materials for so doing, you know the roots of those evils which distract the country, they are to be found in those causes which I have now stated.

But, Gentlemen, is there no method of allaying those discontents of the people, and preventing them from flying in the face of the laws? Is there no remedy but Act of Parliament after Act of Parliament, in quick succession, framed for coercing and punishing? Is there no corrective but the rope and the gibbet? Yes, Gentlemen, the removal of those causes of disturbance, which I have mentioned to you, will operate as the remedy. I should imagine, that the permanent absentees ought to see the *policy* (if no better motive can influence them) of appropriating, liberally, some part of those splendid revenues, which they draw from this country, which pay no land tax or poor's rate, and of which not a shilling is expended in this country! Is it not high time for those permanent absentees, to offer some assistance, originating from themselves, out of their own private purses, towards improving and ameliorating the condition of the lower order of the peasantry upon

their great domains, and rendering their lives more comfortable. Indeed, I believe, that some of them do not set up their lands to auction. I know that the Earl Fitzwilliam, in one county (Wicklow) and the Marquis of Hertford, in another (Antrim) act upon enlightened and liberal principles; for, although their leases, generally are only leases for one life and twenty-one years, the tenant in possession well knows, that upon a reasonable advance (merely proportionate to the general rise of the times) he will get his farm without rack-rent or extortion. But, I say, that the permanent Absentees ought to know, that it is their interest to contribute every thing in their power, and within the sphere of their extensive influence, towards the improvement of a country, from whence they derive such ample revenue and solid benefits. Instead of doing so, how do many of them act? They often depute their managers upon the Grand Jury of the county. This manager gets his jobs done without question or interruption; his roads and his bridges, and his park walls, all are conceded.

For my part, I am wholly at a loss to conceive, how those permanent absentees can reconcile it to their feelings, or their interests to remain silent spectators of such a state of things, or how they can forbear to raise their voices in behalf of their unhappy country, and attempt to open the eyes of our English neighbours, who, generally speaking, know about as much of the Irish, as they do about the Hindoos. Does a visitor come to Ireland, to compile a book of travels, what is his course? He is handed about from one country gentleman to another, all interested in concealing from him the true state of the country; he passes from squire to squire, each rivalling the other in entertaining their guest, all busy in pouring falsehoods into his ears, touching the disturbed state of the country, and the vicious habits of the people.

Such is the crusade of information, upon which the English traveller sets forward; and he returns to his own country with all his unfortunate prejudices doubled and confirmed, in a kind of moral despair of the welfare of such a wicked race, having made up his mind that nothing ought to be done for this lawless and degraded country. And, indeed, to such an extravagant excess, have those intolerant opinions of the state of Ireland attained, that I shall not be surprised to hear of some political

projector coming forward, and renovating the obsolete ignorance and the prejudices of a Harrington, who in his Oceana, calls the people of Ireland an unamiable race; declaring, that they ought to be exterminated, and the country colonized by Jews; that thus the state of this island would be bettered, and the commerce of England extended and improved.

Gentlemen, I will tell you what those absentees ought particularly to do; they ought to promote the establishment of houses of refuge, houses of industry, School-houses, and set the example upon their own estates, of building decent cottages, so that the Irish peasant, may have, at least, the comforts of an "English sow;" for an English farmer would refuse to eat the flesh of a hog, so lodged and fed as an Irish peasant is. Are the farms of an English landholder out of lease, or his cottager in a state of delapidation? He rebuilds every one of them for his tenants, or he covenants to supply them with materials for the purpose. But how are matters conducted in this country? Why, if there is a house likely to fall into ruins, upon an expiring lease, the new rack rent tenant must rebuild it himself; and can you wonder, if your plantations are visited for the purpose, or if your young trees are turned into plough-handles, spade-handles or roofs for their cabins? They are more than Egyptian task-masters, who call for bricks without furnishing a supply of straw. Again, I say, that those occasional absentees ought to come home, and not remain abroad, resting upon the local manager, a species of "*locum tenens*" upon the Grand Jury. They should reside upon their estates, and come forward with every possible improvement for the country.

I do not propose that you should expect any immediate amendment or public benefit from the plans suggested for the education of the poor. It is in vain to flatter yourselves that you can improve their minds if you neglect their bodies. Where have you ever heard of a people desirous of education, who had not clothes to cover them, or bread to eat? I have never known that any people under such circumstances, had any appetite for moral instruction.

So much, Gentlemen, for landlords, permanent and occasional absentees. You should begin the necessary reformation. You now enjoy comfort and tranquillity, after seasons of storms and fever, and dis-

turbance. The comparative blessings of this contrast should make you anxious to keep your country tranquil. If your farms fall out of lease, set them not up to be let by public auction; encourage your tenantry to build comfortable dwellings for themselves; give them a property in their farms, and an interest in the peace of the county. These are the remedies for the discontents of the people, they will be found much better than the cord or the gibbet.

There may be other causes of discontent in other counties. Those I have mentioned may not apply to your county. If they did apply, I would not shrink from exposing them; I would not now, when advanced in life, and uninfluenced by any hopes or fears; for, whilst I was young, I was equally careless of the smiles and frowns of men in power.

Gentlemen, I had an opportunity of urging some of these topics upon the attention of a distinguished personage, I mean Lord Redesdale, who filled the high office of Lord Chancellor here some years ago. I was then at the bar. His lordship did me the honour of a visit, after I had returned from circuit, at a time when many alarms, of one kind or another, floated in this country. He was pleased to require my opinion of the state of the country; I avered, that I thought it was as tranquil as ever it had been; but I did ask his permission to suggest certain measures, which, in my opinion, would go very far towards allaying the discontents of the People. One of those measures was, a reform of the magistracy in Ireland, another was, a commutation of tithes, if it could be satisfactorily effected; a third was, the suppression of the home consumption of whiskey, and the institution of a wholesome malt liquor in its stead. I requested his lordship to recollect that Hogarth's print of "Gin-Alley" is an unerring witness to testify what the English People would now be, if they had nothing but a pernicious spirituous liquor to drink. A man who drinks to excess of a malt liquor, becomes only stupidified, and he sleeps it off; but he, whose intoxication arises from those spirituous liquors, (which we know are too often adulterated by the most poisonous ingredients,) adds only fever to his strength. Thus the unfortunate peasant in Ireland is maddened, instead of being invigorated; and he starts out into acts of riot and disturbance, like a furious wild beast, let

loose upon the community. I took the freedom to add, "Reform the magistracy of Ireland, my lord. You have the power to do this; and until you do it, in vain will you expect tranquillity or content in the country." His lordship was pleased to lend a courteous attention to these opinions, and I do believe, that his own natural judgment and good inclination would have prompted him to measures, beneficial to Ireland, and honorable to his fame.

Gentlemen, this subject brings me to a consideration of the magistracy of the country. Of these I must say, that some are over zealous, others too supine: distracted into parties, they are too often governed by their private passions, to the disgrace of public justice, and the frequent disturbance of the country.

Here let me solicit your particular attention to some of the grievous mischiefs flowing from the misconduct of certain magistrates. One is occasioned by an excessive eagerness to crowd the gaols with prisoners, and to swell the calendars with crimes. Hence, the amazing disproportion between the number of the commitments and of the convictions, between accusation and evidence, between hasty suspicion and actual guilt. Commitments have been too frequently made out, in other counties, upon light and trivial grounds, without reflecting upon the evil consequences of wresting a peasant, probably innocent, from the bosom of his family, immuring him for weeks or months in a noisome gaol, amongst vicious companions. He is afterwards acquitted, or not prosecuted; and returns a lost man, in health, and morals, to his ruined and beggared family. This is a hideous, but common picture.

Again, fines and forfeited recognizances are multiplied, through the misconduct of a magistrate. He binds over a prosecutor, under a heavy recognizance, to attend at a distant assizes, where, it is probable, that the man's poverty or private necessities must prevent his attending. The man makes default, his recognizance is forfeited, he is committed to the county gaol upon a green wax process, and, after long confinement, he is finally discharged at the assizes, pursuant to the statute; and from an industrious cottier, he is degraded, from thenceforth, into a beggar, and a vagrant.

Other magistrates presume to make out vague commitments, without specifying

the day of the offence charged, the place, or any other particular, from which the unfortunate prisoner could have notice to prepare his defence. This suppression is highly indecorous, unfeeling and unjust, and it deserves, upon every occasion, a severe reprobation of the magistrate, who thus deprives his fellow subject of his rightful opportunity of defence.

There are parts of Ireland, where, from the absence of the gentlemen of the county, a race of Magistrates has sprung up, who ought never to have borne the king's commission. The vast powers entrusted to those officers, call for an upright zealous, and conscientious discharge of their duty.

Gentlemen, as to tithes, they are generally complained of as a great grievance. In the times in which we live, they are a tax upon industry, upon enterprize, and upon agricultural skill. Is a man intelligent and industrious, does he, by agriculture, reclaim a tract of land, and make it productive of corn, he is visited and harassed by the tithe proctor; does his neighbour, through want of inclination or skill, keep his farm in pasture and unimproved, he is exonerated from the burden of tithes, and from the visitations of any clergy, not belonging to his own church. Far be it from me to say, that tithes are not due to the clergy. By the law of the land, they have as good a title to their tithes as any of you have to your estates; and, I am convinced, that the clergyman does not, in any instance, exact what he is strictly entitled to. But this mode of assessment has been much complained of; and it is particularly felt in this country, because the Catholic receives no spiritual comfort from his Protestant rector; he knows him only through the tithe proctor, and he has, moreover, his own pastor to pay. This is the reason why he thinks it a grievance; and I must admit, that, although the clergyman does not receive all that he is entitled to, and although it may not be a grievance in another country, yet the tithe system is a painful system for Ireland.

Gentlemen, you have in your power another remedy for public commotions; I allude to the assessment of the presentment money upon your county. It seems, that the sum of £9000 is now demanded to be levied; whether this sum is, or is not, an exorbitant one for this country, I know not. It is a tax, of which you will impose

the greater part, or, perhaps, the whole, upon your county, and it falls wholly upon the occupying tenants or farmers; pray keep this circumstance constantly in your minds, the benefit of the tax is your own. By its operation, you have your farms well divided and improved; good roads made round your estates, useful bridges and walls erected; indeed, I have known counties, which have been parcelled out to undertakers by baronies, and where no man could get a job without the consent of the baronial undertaker; they met and commuted, and it was thus agreed, "I give you your job here, and you give me my job there." I may be asked, why do I mention these things? The grand jury know them very well, but then they ought to be concealed. Miserable, infatuated notion! These things are not concealed; there is not a grand jury job in the country, which is not known and commented upon by the peasantry.—Every mischief, and every enormity I have this day stated, is as thoroughly well known to the peasantry, as to the gentry, throughout Ireland. The affected apprehension of exciting and exasperating them, by a reprobation of those enormities, is puerile and contemptible. It cannot do mischief, it cannot add to the poignancy of their feelings; it may allay or soothe them: already those exactions are the subject of discussion, and of minute scrutiny in every cabin; what are the consequences? Dreadful heart-burnings, and deep murmurs: the visit of the constable who collects the cess, is a day of general mourning, and distress, and tribulation. I spoke freely of these things to the grand jury of the county of Tipperary; what was the beneficial result? The foreman, Mr Bagwell, came forward soon afterwards from the grand jury room, and stated publicly in court, that, in consequence of my charge, he, and his fellow-jurors, had thrown out applications for presentments to the amount of £9,600. These may be presumed to be jobs, under pretence of building walls and bridges, filling hollows, lowering hills, &c. Here indeed, was some good done, by this sudden impulse of economy; here, were the fruits of a free and candid exhortation before the public eye.

Gentlemen, the judge whose duty it is to pass the presentment, can be of little service towards detecting a "job;" he has no local knowledge, he knows not the distances, the rates, the state of repairs,

or the views of the parties. He may, indeed, suspect the job, and tear the suspected presentment; but he may tear inadvertently, that which is useful, and let the job pass. Therefore, for the sake of the county, do as Mr. Bagwell did at Clonmel. Begin the reformation; and discountenance firmly, all parcelling of jobs.

Gentlemen, when I visited the house of industry at Clonmel, which is liberally and conscientiously conducted by an association, consisting of persons of every religious persuasion, with the Protestant parson and the Catholic priest at their head, never did my eyes witness a more blessed sight. I immediately asked, "What do you pay to the macron, and to the manager?" The sum was mentioned; it was small. "I suppose," said I, "it is no object of a county job." Mr. Grubb, the benevolent Mr. Grubb smiled, and said, "You have hit it, my lord, that is the fact."

But there is one remedy, that would, in my estimation, more than any other, especially contribute to soothe the minds of the discontented peasantry, and, thereby, to enable them patiently to suffer the pressure of those burdens, which cannot, under existing circumstances, be effectually removed; I mean the equal and impartial administration of justice; of that justice which the rich can pursue, until it be attained; but which, that it may benefit the cottager, should be brought home to his door. Such an administration of justice would greatly reconcile the lower orders of the people, with the government under which they live; and, at no very distant period, I hope, attach them to the law, by imparting its benefit, and extending its protection to them, in actual and uniform experience. Gentlemen, if you ask me, how may this be accomplished? I answer, by a vigilant superintendence of the administration of justice at quarter sessions, and an anxious observance of the conduct of all justices of peace. Perhaps, the commission of the peace, in every county in the kingdom, should be examined. During a long war, in seasons of popular commotion, under chief governors, all acting, unquestionably, with good intentions, but upon various principles and different views, it is not improbable, that many men have crept into the commission, who, however useful they might occasionally have been, ought not to remain. The needy adventurer, the hunter

for preferment, the intemperate zealot, the trader in false loyalty, the jobbers of absentees—if any of these various descriptions of individuals are now to be found, their names should be expunged from the commission; and if such a mode of proceeding should thin the commission, vacancies might be supplied, by soliciting every gentleman of property and consideration to discharge some part of that debt of duty which he owes to himself and the country, by accepting the office of justice of peace. Should their number be inadequate to supply the deficiency, clergymen, long resident on their benefices, more inclined to follow the precepts of their Divine Master, by feeding the hungry and clothing the naked Catholic, (although adhering to the communion of his fathers, he should conscientiously decline to receive from him spiritual consolation,) not harassing and vexing him by a new mode of tithing, and an increase of tithes; but seeking to compensate the dissentients from his communion for the income he derives from their labour, by shewing a regard for their temporal welfare—attached to their Protestant flocks by a mutual interchange of good offices, by affection, and by habit. Such a man, anxiously endeavouring, not to distract and divide, but to conciliate and reconcile all sects and parties, would, from his education, his leisure, his local knowledge, be a splendid acquisition to the magistracy, and a public blessing to the district committed to his care. Men of this description are retired and unobtrusive; but, I trust, if sought after, many such may be found. Persons there have been of a sort, differing widely from those I have described. These men identify their preferment with the welfare of the church; and if you had believed them, whatever advanced the one, necessarily promoted the other. Some clergymen there may have been, who in a period of distraction, perusing the Old Testament with more attention than the New; and admiring the glories of Joshua, the son of Nun, fancied they perceived in the Catholics, the Canaanites of old; and, at the head of militia and armed yeomanry, wished to conquer from them the promised glebe. Such men, I hope, are not now to be found in that most respectable order; and, if they are, I need scarcely add, they should no longer remain in the commission.

Gentlemen, I must farther admonish you,

if you are infested with any of the Orange or Green Associations in this county, to discourage them; discourage all processions and commemorations connected with them, and you will promote the peace and concord of the county. But suffer them to prevail, and how can justice be administered? "I am a loyal man," says a witness, that is, "Gentlemen of the petty jury believe me, let me swear what I will." When he swears he is a loyal man, he means, "Gentlemen of the Jury, forget your oaths and acquit the Orangeman." A truly loyal man is one, who is attached to the constitution under which we live; and who respects and is governed by the laws, which impart more personal freedom, when properly administered, than any other code of laws in existence. If there are disturbances in the country, the truly loyal men endeavour to appease them. The truly loyal man is peaceful and quiet. He does his utmost to prevent commotion; and, if he cannot prevent it, he is at his post, ready to perform his duty in the day of peril. *But what says the loyal man of another description, the mere pretender to loyalty; "I am a loyal man, in times of tranquillity, I am attached to the present order of things, as far as I can get any good by it. I malign every man of a different opinion from those whom I serve, I bring my loyalty to market." Such loyalty has borne higher or lower prices, according to the different periods of modern times. He exposes it to sale in open market, at all times, seeking continually for a purchaser.*

Such are the pretenders to loyalty, many of whom I have seen; and incalculable mischiefs they perpetrate. It is not their interest that their country should be peaceful, their loyalty is a "sea of troubled waters."

Gentlemen, I have had a long professional experience of the state of this country, travelling two circuits every year, and I have spoken the result of my professional observations and judicial knowledge, perhaps the sincerity, with which I have put forward these observations, may excite some displeasure. But I hope they may do some good, and I am pretty indifferent, whether they are found disagreeable or not, living a great part of my life in the hurry of professional pursuits, I have employed the moments of my leisure in literary retirement. Attached to no party, I have never mixed with the zealous of either. I have been assailed and

calumniated by both. Such is the lot of the man, endeavouring to do his duty, with firmness and sincerity.

Gentlemen, if any of you be disposed to think, that this address would be better suited to another place and another occasion, to such I answer, that I have embraced the opportunity thus afforded to me, of addressing you, in order to state what have appeared to me the causes of popular commotions, and the remedies likely to assuage and prevent them, in those several counties, where, within those last five years, I have borne the king's commission. I consider the present occasion a peculiarly seasonable one for such an address. We approach towards the close of a circuit, whose usual order had been inverted for the purpose of delivering the crowded goals; and bringing to speedy trial those men with whom they were filled, and who stood charged with the perpetration of almost every crime known to the criminal code. It seemed to me expedient, if such subjects as I have brought before you were touched upon, to do so in a county profoundly tranquil, where no danger could be apprehended, even by the most timid and fastidious, of agitating the minds of the peasantry by a public discussion.

Gentlemen, two bills of importance to the public peace of Ireland, have recently passed both Houses of Parliament, almost as I believe, without observation; and, certainly, without public inquiry into the state of the country. Having formed an opinion upon the causes of popular discontents, and public commotion in those counties, which I have, within these five years visited, I thought it expedient, openly from this place, to state this opinion; hoping that my judgment being founded, not upon secret whisperings or private communications, but upon the solemnity of public trials and the authenticity of criminal records, may have some weight towards suggesting the expediency of resorting to other means of tranquillizing Ireland, than those hitherto resorted to, banishment, the rope, and the gibbet. These expedient have been repeatedly tried; and have, by the acknowledgment of those who have used them, hitherto proved ineffectual. And here I must intreat, that I may not be wilfully mistaken and purposely misunderstood by any man, or class of men. I mean not, to question, in the slightest degree, the prudence of the Irish government, in introducing, or the wis-

dom of the legislature in enacting, those laws: they may be suitable (for any thing I know to the contrary) to the existing state of things in some of these counties, where the discharge of my public duty has not yet called me. In others, although it may not be immediately necessary to put them into active operation, the notoriety of their existence in the statute book may be a wholesome warning to the turbulent and audacious. But, having, in addressing you, taken occasion to give you my opinions upon different subjects, (the statement of which, however erroneous those opinions should appear to be, may produce some good, by soliciting the attention of the enlightened men in both counties, to the same subjects,) I feel myself more especially called upon, by a sense of public duty, to say a few words to you, upon the scope and object of these bills, I say, more especially called upon, by reasons of those important, though contradictory publications, in the *Wexford Journals*, now laid before me; and to which I have already adverted. Whence that contradiction of sentiment could originate, between persons resident in the same county, and having (one would imagine) equal opportunities of information, it is not for me to conjecture; but its indisputable existence in the months of March and April last, (subsequently to your last Assizes,) calls upon me, briefly to explain to you the purport of those Acts, which some of you may deem it expedient to call into active operation.

With one of those of Acts you have had a former acquaintance. It is the old *Insurrection Act*, which after having perished, is now revived and re-enacted for Ireland. The other is called the *Peace Preservation Bill*. The *Insurrection Act* consists, as you all know, of a complete suspension of the English constitution, of English law, of the trial by jury. Under these new laws, taken together, any seven magistrates may meet, and recommend the county, or district to be proclaimed by the Lord Lieutenant, as being in a state of disturbance. When the proclamation has once issued, every person must stay at home after a certain hour. You are to have the assistance of a learned serjeant from town, who may send abroad offenders, in a summary way.

Gentlemen, I have seen times, when persons, who thinking the lives named in their tenant's lease were lasting somewhat too long, have, by the act of such a law,

found means to recommend a trip across the Atlantic, to the persons thus unreasonably attached to life; and thus achieved the downfall of a beneficial lease, and a comfortable rise of their income in consequence. Such things have occurred, I have known the fact.

Gentlemen, I may be told, that the state of the country requires its re-enactment. It may be so, I am not in possession of the secrets of the castle. A desperate state of things calls for desperate remedies.

Gentlemen, the other Act of Parliament is the Peace Preservation Bill. It is a wholesome mode of administering the old powers, already vested by law in the magistrates. Any seven magistrates may recommend the application of this remedy, and either for the county at large, or any particular barony or district in the county. If the recommendation should be acceded to by the Lord Lieutenant, this bill comes into immediate operation. Now, you are to meet: a head magistrate is to be appointed, at a salary of £700 a year, he is also to have a house and offices; his clerk is to get a salary of £150 a year; the constables are to get £100 a year each; any seven of your magistrates may get all this done. But listen to one thing more: the disturbed district is to pay the expense of the whole.

Gentlemen, I have trespassed long upon your attention; but I hope, from the tranquil state of your county, that I have not unaptly chosen the present season for making those observations. See the necessity of some public discussions of those subjects, in order to extinguish all exaggeration and misrepresentation. I need not travel far back for a curious instance I have seen, to my surprise, in the *Courier* Newspaper, a story of myself, which has been copied into the *Pilot*. It is so very short that I shall read it:—

“Such is the disturbed state of Ireland, that one of the Judges of Assize, upon the Leinster circuit, Mr. Justice Fletcher, in coming from Kilkenny to Clonmel, was pelted by stones in the town of Callan, and owed his safety to the dragoons that escorted him.”

When I reached Waterford, I was still more surprised to see one newspaper lamenting that I had been “shot at;” but another protested, that it was all a gross falsehood. Now, what was the truth? As I passed through Callan, an escort of a few dragoons attended me. This escort, by the

bye, is one of the mischiefs of those alarms, a mischief which never occurs in England. There the gentlemen of consideration in the county; come out to meet the Judge, with led horses and equipages, and with every suitable mark of respect and attention, not, indeed, paid to the Judge individually, nor desired by him, but an attention and respect due to the law, which the Judge comes to administer. But what was the case in Kilkenny? The High Sheriff not appearing at all; perhaps as a duty beneath him, or for some other reason; the Sub-Sheriff unwilling enough to be burdened with the trouble, and anxious to get rid of us, two or three miserable bailiffs, mounted upon wretched little horses, brandishing enormous length of halbert, resembling so many Cossacs in every thing but utility, and attended by an escort of four or five dragoons (for the Sheriff is not at the expense of paying the dragoons.) Indeed, where needy or penurious High Sheriffs are nominated, and where the office of Sub-Sheriffs becomes an affair of indirect management, an improper and inefficient attendance upon the circuit Judges is generally to be expected. However thus attended, (or rather unattended) we drove through Callan, when a boy, about seven years old, flung a stone idly, either at the Sub-Sheriff, or at the dragoons, or both. This was the entire outrage. I did not hear of it until long afterwards, when the newspaper paragraphs led me to the inquiry; but my servants are ready to vouch the fact upon oath.

This story, with prodigious exaggeration, has been since officiously circulated throughout the empire, in order to shew, that this country is in such a state of disturbance, that the going Judge of Assize was pelted with stones or shot at, and in imminent danger of his life. Can any instance more strongly illustrate the propriety, nay, even the necessity, of a full and unreserved statement of the true and actual condition of Ireland, than the extraordinary currency which this paltry fabrication has received, and the avidity with which it has been magnified into a momentous and alarming event?

Gentlemen, I may, perhaps, be warranted in feeling a personal indignation at the mischievous abuse of my name, thus attempted, for the purpose of vilifying the country: and, possibly, this impression

may have partly led me to enter into the copious details and observations, with which I have this day troubled you.

Gentlemen, if you should feel that any of these observations are founded in truth and reason, you will give me, at least, the credit of upright motives for those, from which you may differ. I can have no other motive, indeed, than a hope of doing some public good, by inciting other persons to useful and meritorious actions. Other Judges have very frequently, and with great propriety, charged various Grand Juries upon the general state of this country, its disturbances, and the causes of its commotion, and some of them have ascribed those disturbances and commotions to a general spirit of disaffection and sedition. If I have a very different and far more consolatory view of the same subject, it cannot be improper or unbecoming my functions, to take the like opportunity of stating my judicial opinions, of enumerating the several causes, which in my fixed judgment, have generated those disturbances, and have retarded peace and prosperity in this country; and distinctly pointing out the remedies and correctives, proper for terminating all those mischiefs, and allaying all discontent. These considerations will, I trust, vindicate, as well the motives, as the propriety of my conduct in this respect, through every scrutiny, and against every cavil.

Gentlemen, you will now retire to your juryroom, and there dispose of such bills, and other official business, as shall come before you. Let all your private affairs, your settlements with tenants, your canvassing of freeholders, and such occupations, be postponed to another opportunity. Be punctual and diligent, rather, indeed, for your own sakes than for mine. You will be the sooner released from duty; but, as for me, I must, at all events, remain here during the allotted period of time.

I have addressed you very much at large, with great sincerity of heart, with an earnest desire for your interests, and those of the public, and, I may hope, not wholly without effect.

SOCIETY FOR PROMOTING THE EDUCATION OF THE POOR OF IRELAND.

The school of the Society in School-street is now open, for the reception of
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young men, properly recommended, who will be taught and trained as school-masters, *free of all expense for instruction.* The Society is not yet enabled, to carry into effect its intended plan, for providing, dieting, lodging, and educating young men, to be sent out *by it*, to act as school-masters throughout the country: but must at present confine itself, to the instruction of such young men as shall be sent to the school. Every possible assistance, however, will be given towards providing proper places, where they may be dieted and lodged, at the expense of those, by whom they shall be recommended, and where their morals shall be carefully attended to.

Those wishing to introduce young men into this seminary to be trained, will be pleased to forward their recommendations of them to J. D. Jackson, esq. Secretary, School-street, Dublin; or to any member of the committee, whose addresses will be found in the report.

PARLIAMENTARY REFORM.

Letter from Major John Gartwright to the Rev. Christopher Wyvill.

(Continued from page 127.)

LETTER XX. AND LAST.

Strike, but hear!

DEAR SIR,—Had a barrister, trammelled in “the narrow rules and fanciful niceties of metaphysical and Norman jurisprudence,”* and under the influence of practice, such as he had witnessed in Westminster, and other great halls; had such a barrister written “Commentaries on the laws of England,” without having discovered that those two goodly personages, our constitution and our “system of laws,” notwithstanding family resemblance, were, in reality, distinct identities, some allowance might reasonably be made for the erring barrister; but when a teacher stands forth, who, unshackled by forensic lore, has freely ranged the fields of a science, human and divine, a teacher, undertaking to unfold “the principles of moral and political philosophy,” to enlighten us on “the elements of political knowledge,” to lay open to our view “the origin of civil government,” to instruct us in “the duty of civil obedience, as stat-

* Black. Com. IV. 418.